

**FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAVAL JOHN BIG LEGGINS,

Defendant.

**CR-10-07-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 16, 2016. (Doc. 65.) Defendant Laval John Big Leggins waived his right to object. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 15, 2016. (Doc. 64.) Big Leggins admitted that he violated conditions of his supervised release. The violations prove serious and warrant revocation of Big Leggins's supervised release. Judge Johnston has recommended that the Court revoke Big Leggins's

supervised release and sentence Big Leggins to time served until March 17, 2016, for Count I and time served until March 17, 2016, for Count III, to run concurrently. Judge Johnston also has recommended that the Court sentence Big Leggins to 29 months of supervised release to follow on each count, to run concurrently. Judge Johnston also has recommended that Big Leggins be placed at a residential re-entry center for 180 days as a condition of his supervised release.

Big Leggins's violation qualifies as a Grade C. His criminal history category equals III. Big Leggins's underlying offenses qualify as Class D felonies. The Court could order Big Leggins to 24 months of imprisonment on each count. The Court also could impose 30 months of supervised release, less any custody time imposed, on each count. The United States Sentencing Guidelines call for five to 11 months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Big Leggins's violations of his conditions represent a serious breach of the Court's trust. A sentence of time served and 29 months of supervised release on each count, to run concurrently represents a sufficient, but not greater than necessary, sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 65) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Laval John Big Leggins be sentenced to time served on Count I and

Count III, to run concurrently. Big Leggins shall serve 29 months of supervised release to follow each count, to run concurrently. Big Leggins shall serve the first 180 days of his supervised release at a residential re-entry center as a condition of his supervised release.

DATED this 16th day of March, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris  
United States District Court Judge